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**North East
Derbyshire
District Council**

Contact: Alan Maher
Tel: 01246 217391
Email: alan.maher@ne-derbyshire.gov.uk
Date: Monday, 8 March 2021

To: **Members of the Planning Committee**

Please attend a meeting of the Planning Committee to be held on **Tuesday, 16 March 2021 at 2.00 pm by Conference Call**. Access details will be sent to Members separately. The public parts of the meeting will be streamed from the Council's website on its YouTube Channel.

Virtual Attendance and Hybrid Meetings

I have provided the Leader and Deputy Leader with advice on the holding of "hybrid" meetings outlining the risks including to employees dealing with the Chamber and to Members. Hybrid meetings are those where some attendance is in person in the Council Chamber and some is virtual. I would encourage you all to attend virtually. Accordingly if you attend in person you will be deemed to have accepted the following disclaimer as applying.

Risk Assessment Disclaimer

When attending this meeting in person, I confirm that I have read and understood the contents of each of the following risk assessments and agree to act in line with its content.

- RA – Return to Work Mill Lane Covid 19 V13
- Mill Lane Coronavirus Control Measures V8

Both documents have been emailed to Members and are available on the Modern.Gov App library.

The same advice is given to officers who are also encouraged to participate in the meeting remotely.

Yours sincerely



Joint Head of Corporate Governance and Monitoring Officer

Members of the Committee

Conservative Group	Labour Group
Councillor Diana Ruff Councillor William Armitage Councillor Peter Elliott Councillor Mark Foster Councillor Carol Huckerby Councillor Maureen Potts Councillor Alan Powell	Councillor Jayne Barry Councillor Tracy Reader Councillor Jacqueline Ridgway Councillor Kathy Rouse
Liberal Democrat Group	Independent Group
Councillor Ross Shipman	Councillor Andrew Cooper

Please notify the Senior Governance Officer, Alan Maher by 4.00 pm on Friday 12 March 2021 of any substitutions made for the meeting.

For further information about this meeting please contact: Alan Maher 01246 217391

AGENDA

1 Apologies for Absence and Substitutions

To receive any apologies for absence and notices of substitutions from Members.

2 Declarations of Interest

Members are requested to declare the existence and nature of any disclosable pecuniary interests and/or other interests, not already on their register of interests, in any item on the agenda and withdraw from the meeting at the appropriate time.

3 Minutes of Last Meeting (Pages 5 - 11)

To approve as a correct record and the Chair to sign the Minutes of Planning Committee held on 9 February 2020.

4 NED/20/00833/FLH - Cutthorpe (Pages 12 - 19)

Retention of existing roofline 250 mm higher than approved planning application 18/00009/FLH and relocation of office studio in front garden (additional plans/information) at Betron, Main Road, Cutthorpe, Chesterfield.

(Planning Manager – Development Management)

4(a) Speakers on NED/20/00833/FLH
TO FOLLOW

5 NED/20/01137/FL - Holmesfield (Pages 20 - 42)

Demolition of existing buildings, and conversion of existing buildings, (formerly used in association with livery business and riding school) to form single dwelling, restoration and retention of ancillary buildings, erection of four new dwellings with associated landscaping, parking and access (resubmission of 19/00786/FL) (conservation area/affecting the setting of a listed building/affecting a public right of way) at Cartledge Hall Farm, Holmesfield.

(Planning Manager – Development Management)

5(a) Speakers on NED/20/01137/FL
TO FOLLOW

6 Late Representations - Summary Update Report

(Planning Manager – Development Management)
TO FOLLOW

7 Planning Appeals - Lodged and Determined (Pages 43 - 46)

(Planning Manager – Development Management)

8 Matters of Urgency

To consider any other matter which the Chair is of the opinion should be considered as a matter of urgency.



North East
Derbyshire
District Council

***We speak
your language***

Polish

Mówimy Twoim językiem

French

Nous parlons votre langue

Spanish

***Hablamos su
idioma***

Slovak

***Rozprávame Vaším
jazykom***

Chinese

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PLANNING COMMITTEE

MINUTES OF MEETING HELD ON TUESDAY, 9 FEBRUARY 2021

Present:

Councillor Diana Ruff (Chair) (in the Chair)

Councillor William Armitage
Councillor Peter Elliott
Councillor Maureen Potts
Councillor Tracy Reader
Councillor Ross Shipman
Councillor Bette Hill

Councillor Andrew Cooper
Councillor Mark Foster
Councillor Alan Powell
Councillor Kathy Rouse
Councillor Heather Liggett

Also Present:

A Kirkham	Planning Manager - Development Management
A Lockett	Planning Officer
J Fieldsend	Legal Team Manager (non contentious)
A Maher	Senior Governance Officer
N Kwasa	Senior Governance Officer
A Bond	Governance Officer
M E Derbyshire	Members ICT & Training Officer
N Calver	Governance Manager
S Wraith	Planning Officer

PLA/ Apologies for Absence and Substitutions

74/2

0-21 Apologies were received from Councillors Carol Huckerby and Jayne Barry who were substituted by Councillors Heather Liggett and Bette Hill. Apologies were also received from Councillor Jacqueline Ridgway.

PLA/ Declarations of Interest

75/2

0-21 Councillor Ross Shipman declared an interest in Item 4: NED/20/00506/TPO - Old Tupton in that he intended to speak on the application in his capacity as a Ward Councillor. He confirmed that following any questions from Members he would then leave the meeting and take no further part in the committee's deliberations.

PLA/ Minutes of Last Meeting

76/2

0-21 The minutes of the Planning Committee held on 12 January 2021 were APPROVED as a correct record.

PLA/ NED/20/00506/TPO - Old Tupton

77/2

0-21 The Planning Officer presented the report. Verbal representations were heard in objection from Ward Councillor Ross Shipman. Members had the opportunity to question speakers and officers. The application was discussed in length, including

issues surrounding potential flooding risks should the trees be removed and loss of screening for nearby houses, as well as the potential reasons and motives for submitting the application. Members also discussed the need for replacement trees to be substantial in terms of number and size, and the Planning Manager confirmed that if the Committee were minded to approve then they could require more or different types of trees in terms of height or species, should they wish. The Legal Officer advised the Committee to disregard any suggestions for the potential reasons and motives for removing the trees other than that which is highlighted in the application relating to the amenity of the area. He noted that if the trees were deemed to be dead or dangerous then the applicant could remove them with no need to apply for permission and in that situation the Council would not be able to require the planting of any replacement trees.

Following the discussion, Councillor Elliott moved a motion to APPROVE the application as per Officer's recommendations with an amendment to condition 2 to delegate authority to the Planning Manager to agree a suitable scheme of replanting including a higher number of replacement trees as appropriate. This was seconded by Councillor Armitage.

RESOLVED –

That the application be granted full Planning Permission subject to the following conditions;

TPO completion of work

The work hereby granted consent shall be completed within two years from the date of this decision notice.

Reason – For clarity and the avoidance of doubt.

TPO Scheme for Replacement

Notwithstanding the submitted details, within 28 days of the date of this decision a scheme of replacement trees to compensate for the removal of the trees, hereby permitted to be felled, shall be submitted to and be approved in writing by the Local Planning Authority (LPA). The approved scheme of replanting shall then be fully implemented, as agreed, in the next planting season following the written approval of the LPA being given.

Reason - In the interest of the appearance of the area and in accordance with Policy NE7 of the North East Derbyshire Local Plan.

Tree protection

The replacement trees shall be subject to the same protections afforded to existing trees as laid out in the landscaping details submitted to discharge condition 6 pursuant of 18/00056/FL. The means of protection shall be installed in accordance with the approved scheme before any other works commence on site and retained in position until all the building works, as approved, have been completed. The area within the relevant fenced/protected areas shall not be used for storage or the parking of

machinery or vehicles and the ground levels shall not be altered.

***Reason* - In the interest of the amenity of the area and in accordance with Policies NE7 of the North East Derbyshire Local Plan**

PLA/ NED/20/01051/FL - Holymoorside

78/2

0-21 The Planning Manager presented the report.

Representations were heard in support of the application from the Applicant's Agent, Charlotte Stainton.

Members had the opportunity to question speakers and officers, and discuss the application. Councillor Armitage moved a motion to APPROVE the application as per Officer's recommendation. This was seconded by Councillor Elliott.

RESOLVED –

That the Committee GRANT Full Planning Permission subject to the following conditions (wording of conditions to be delegated to the Planning Manager- Development Management):

1. The development hereby permitted shall be carried out in accordance with the following approved plans and details:

Location Plan

Drawing No. DSC 824 A3.01/A - Proposed Layout and Elevations

Applicant's comments of 9 December 2020.

***Reason:* In the interests of certainty and to ensure the development takes place as approved.**

2. No livestock except free range chickens shall be housed in the building.

***Reason:* To protect the amenity of neighbouring dwellings from unsuitable agricultural uses.**

3. Within one week of the building having been brought into use the existing chicken sheds, shown for removal on the location plan, shall have been removed from the application site.

***Reason:* In order to protect the open character and visual amenity of the area.**

4. The lighting within the building shall not be operated outside of the hours of 0600 – 2000 on any day.

***Reason:* In the interests of the amenity of neighbours and the character and appearance of the countryside.**

PLA/ NED/20/00979/FL - Spitewinter (Ashover)

79/2
0-21

The Planning Manager presented the report.

Representations were heard in support of the application from the Applicant, Damian Dugdale and the Applicant's Agent, Charlotte Stainton.

Members had the opportunity to question speakers and officers, and discuss the application, including the interpretation of relevant policies relating to changes of use and the impacts on the character of the local area.

Following the discussion, Councillor Armitage moved a motion to APPROVE the application, contrary to Officer recommendations by reason that the application does not have an adverse impact on the character of the local area and does not contravene the policies as mentioned in the Officer's report. This was seconded by Councillor Elliott.

RESOLVED –

(a) That the application be APPROVED contrary to Officer Recommendations for the reasons detailed above, subject to the following conditions;

1 The development hereby permitted shall be started within 3 years from the date of this permission.

2 The development hereby approved shall be carried out in accordance with the submitted plans and details contained within the submitted application forms, the submitted structural inspection report dated 10.12.2020, the submitted supporting planning statement dated October 2020 and the details set out on plans 846/100 and 846/101 unless otherwise specifically agreed in writing by the Local Planning Authority or otherwise required by any other condition in this decision notice.

3 Before any above ground level development starts, notwithstanding any previously submitted details, precise specifications (including the manufacturer, range and colour details where applicable) or samples of the new walling, facing and roofing materials to be used, shall be made available on site for inspection, and subsequent written approval, by and from the Local Planning Authority . The development shall then be carried out in accordance with the approved details.

4 Notwithstanding any previously submitted details, before the dwelling hereby approved is first occupied, as such, the precise details of the design, materials, height and type of the boundary treatments to be erected and/or retained shall be submitted to and be approved in writing by the Local Planning Authority. The approved scheme shall then be implemented in full within 56 days of the dwelling hereby approved being first occupied and it shall be retained as approved thereafter.

5 Notwithstanding the provisions of Article 3(1) of the Town and Country Planning (General Permitted Development) Order 2015, (or any Order

revoking and re-enacting that Order) no extensions (Part 1 Class A), dormer windows (Part 1 Class B), alterations to the roof (Part 1 Class C), porches (Part 1 Class D), curtilage buildings (Part 1 Class E), swimming or other pools (Part 1 Class E), satellite dishes (Part 1 Class H) or any means of enclosure (Part 2 Class A) (not expressly approved as per condition 4) above shall be erected/constructed without first obtaining planning permission.

6 If during the works to implement this permission any suspected areas of contamination are discovered all works shall be suspended until the nature and extent of the contamination is assessed and a report submitted to and approved in writing by the Local Planning Authority detailing the necessary remediation proposals to address the contamination found. The agreed remediation shall then be implemented and undertaken as approved.

7 The first 10m of the access lane from its junction with Matlock Road shall not be surfaced with any loose material.

8 There shall be no gates or other barriers within 5m of the nearside public highway boundary and any gates shall open inwards only.

9 Before the first use of the dwelling, hereby approved, as such, visibility splays of 2.4m x 120m in the southern direction and 2.4m x 215m in the northern direction on Matlock Road should be provided and then maintained as such thereafter. The area in advance of the sightlines shall then be maintained clear of any object greater than 1m in height (0.6m in the case of vegetation) relative to the adjoining nearside carriageway channel level.

10 The biodiversity enhancements detailed in Section 4.2 of the Preliminary Ecological Appraisal (ML-Ecology, 2019) shall be implemented in full as set out and then be retained as such thereafter. Within 28 days of the full implementation of the proposed enhancements a statement of compliance shall be submitted to the Local Planning Authority.

(b) That determination of the final conditions for approval be delegated to the Planning Manager (Development).

PLA/ NED/20/00931 and NED/20/00932/LB - Ridgeway

80/2

0-21

The Planning Manager presented the report.

Representations were heard in support of the application from Ward Councillor Carolyn Renwick, the Applicant's Agent Doug Moulton, and the Applicant's Heritage Consultant Helena Kelly.

Members had the opportunity to question speakers and officers, and discuss the application, including how the building has evolved over the last few decades and the balance between potential harm to the green belt versus the public benefits in relation to the local economy.

Following the discussion on both applications, it was agreed that there would be a separate vote on each.

Councillor Foster moved a motion to APPROVE the application **NED/20/00931**, contrary to Officer recommendations, by reason that the application is deemed to be an appropriate and proportionate development. This was seconded by Councillor Armitage.

RESOLVED –

(a) That the application be APPROVED contrary to Officer Recommendations for the reasons detailed above, and subject to the following conditions;

1 The development hereby permitted shall be started within 3 years from the date of this permission.

2 The development hereby approved shall be carried out in accordance with the details set out on the submitted application form and the amended submitted plans, 39.03 Rev A and 39/02 Rev A, unless otherwise specifically agreed in writing by the Local Planning Authority or otherwise required by any other condition in this decision notice.

(b) That determination of the final conditions for approval be delegated to the Planning Manager (Development).

Councillor Foster then moved a motion to APPROVE the application **NED/20/00932/LB**, contrary to Officer recommendations, by reason that the less than substantial harm is outweighed by the public benefit of the application. This was seconded by Councillor Armitage.

RESOLVED –

(a) That the application be APPROVED contrary to Officer Recommendations for the reasons detailed above, and subject to the following conditions;

1 The development hereby permitted shall be started within 3 years from the date of this permission.

2 The development hereby approved shall be carried out in accordance with the details set out on the submitted application form and the amended submitted plans, 39.03 Rev A and 39/02 Rev A, unless otherwise specifically agreed in writing by the Local Planning Authority or otherwise required by any other condition in this decision notice.

(b) That determination of the final conditions for approval be delegated to the Planning Manager (Development).

81/2

0-21

The report to Committee gave details of those Planning Appeals which had been lodged and determined. Members heard that no appeals had been lodged, one had been allowed and that one had been dismissed. The Planning Manager noted the importance of weighing up development plan policies when determining applications.

Appeal Allowed

Trustees Of Ted Speed And Pauline Speed Hallfield Trust – Outline planning application for up to 90 dwellings and site access with all other matters reserved (apart from access) (Major development/Departure from Development Plan/Affecting Setting of Conservation Area) (amended title) at Land To The South Of Hallfieldgate Lane, Shirland (19/00335/OL)

Appeal Dismissed

Mr J Foulstone – Single-storey rear extension with balcony and detached garage to side at Briars, Westfield Lane, Middle Handley (20/00411/FLH)

RESOLVED - The Committee noted the report.

PLA/
82/2

Matters of Urgency

0-21

There were no matters of urgency to consider.

The meeting finished at 16.15

PLANNING COMMITTEE – 9 MARCH 2021

REFERENCE NUMBER: 20/00833/FLH Application expiry date: 22/03/2021

Application Type: Full Planning Permission

Proposal Description: **Retention of existing roof line 250mm higher than approved planning application (NED/18/00009/FLH) and relocation of office studio in front garden.**

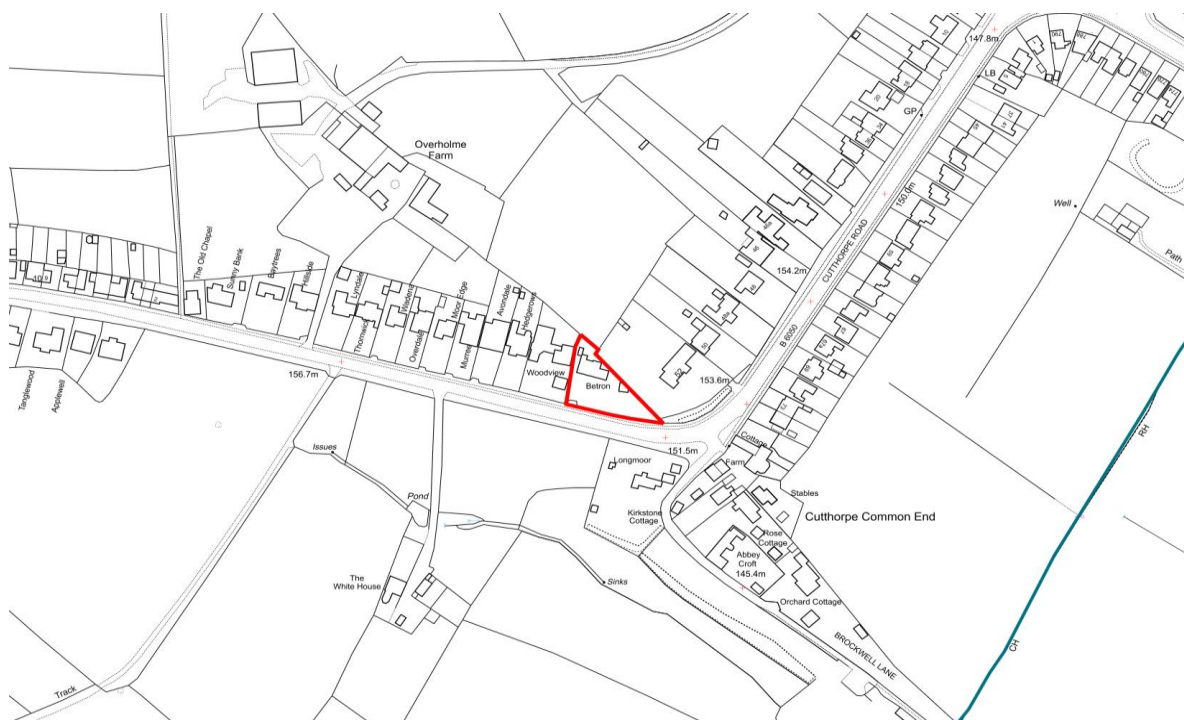
At: **Betron, Main Road, Cutthorpe, Chesterfield**

For: **Mr B Narman**

Third Party Reps: 8 Parish: Brampton
Ward: Brampton and Walton

Author of Report: Adrian Kirkham Date of Report: 01.03.2021

MAIN RECOMMENDATION: GRANT PERMISSION



1.0 Reason for Report

- 1.1 Councillor Thacker has requested that the application is considered by Planning Committee so it can assess the impact of the office pod on the street.

2.0 Proposal and Background

- 2.1 The applicant is seeking consent for the following:
- A. To retain the existing extended building as built (reducing/amending some window openings) and specifically at a height to roof apex 250mm higher than originally approved, and,
 - B. To retain an office studio relocated closer to the road in the front garden.
- 2.2 Planning consent was first granted in 2018 permitting the alteration and extension of the original property, including the raising of its roof. Subsequently and following the receipt of complaints, it was noted that the building had been constructed higher than approved with the dormers higher into the roof slope than originally consented. Subsequently, approval was given to retain the dormers in their revised location.
- 2.3 It had been originally considered that the dwelling was finished 400mm higher than approved but further to a survey of the property it has been noted that in fact this height is 250mm. This application is seeking to rectify that issue and gain retrospective consent for the building as constructed, including the removal of two window openings and the replacement of a patio door opening with a window on the rear elevation. In addition, the porch has been altered.
- 2.4 The office pod was originally stationed close to the dwelling but it has subsequently been relocated closer to the road in the front garden.
- 2.5 A letter has been received from the applicant's agent stating that:
- A. There was no deliberate intention by the owner to raise the height of the dwelling above the submitted planning drawing.
 - B. A section has been produced through the building and principle elevation showing the different construction elements and their position in relation to the approved drawing. Small individual increases have occurred at various stages of the construction resulting in a total increase of 250mm to the ridge height.
 - C. When the roof was removed from the original bungalow it was necessary to add a course of bricks to form a level seating for the new floor joists. This resulted in an increase from the ground floor level to the ceiling of 75mm (one course of brick). The floor joists were required to be significant in depth to straight span the original bungalow plan as there were limited existing low bearing walls. This resulted in a further small addition to the thickness of the floor zone above that shown on the submitted plans.

- D. The first floor ceiling height increased by approximately 40mm which was as a result of coursing into the new natural stone outer skin. The natural stone is coursed at 150mm as opposed to the original bungalow brickwork. This increase when building with masonry over a full storey is minimal. It is often inevitable to have small discrepancies from original planning drawings to final working details required for building regulations.
- E. Finally, the pre-made and engineered attic roof trusses were calculated and needed to be slightly deeper than anticipated. The attic room created is to be used as a play room. There is a small overall increase in the height of the roof trusses.
- F. The height of the eaves can vary by a number of factors – the width of the soffit overhang and the soffit depth, but this would not affect the overall ridge height. This may explain to some extent the heights taken by your officers during their site visit. Also the ground levels were unfinished at the time of measuring. In any event any measurements should be taken from the floor level which is that of the original bungalow, and the datum for any survey. However, the ridge height which is the real issue, could not be checked using a traditional tape. We therefore commissioned an independent electronic survey, using GPS, which is accurate to the millimetre. Using the original floor level as the datum we have been able to overlay the as built section over the planning drawing to clearly demonstrate where the increases have taken place. As pointed out there was no intention to disregard the approved submission as there was nothing to be materially gained. This is the result of incremental increases throughout the construction process cumulating in the overall increase to the ridge height of 250mm as demonstrated at the various stages.

3.0 Relevant Planning History

3.1 The following planning history is relevant to this application:

18/00009/FLH – Raising of roof height to create a first floor extension and rooms in roof space with balcony. Granted conditionally 22/3/18.

18/00380/DISCON – Discharge condition 3 (materials) of planning approval 18/00009/FLH. Approved 26/4/18.

18/00720/FLH – Application to raise the roof height to create a first floor extension and rooms in roof space with dormer windows and first floor balcony (revised scheme of 18/00009/FLH). Granted conditionally 12/7/18.

19/00057/AMEND – Non-material amendment pursuant of 18/00009/FLH for dormer eil height raised, screen wall to Jacuzzi in lieu of obscured glazing panel and lowering of eaves height of rear offshoot. Approved 22/2/2019.

4.0 Consultation Responses

4.1 The following consultation responses have been received

DCC Highways – No highway objections on the basis that use of the home office will not alter under the proposals.

Brampton Parish Council – Objects in the strongest terms to this application. Councillors did not understand how the original construction was completed 250mm higher than approved and it seems applicants are asking planning officers to help them break the rules. Concerns if it is allowed it will set a dangerous precedent allowing applicants to ride rough-shod over planning rules and regulations. We ask that the application be objected and remedial action enforced.

Ward Councillor – Called in to Planning Committee to allow Committee to assess the pod's position and its impact on the street.

5.0 Representations

5.1 A site notice was posted on 23/10/20. Six neighbours were also notified directly by letter.

5.2 In total 8 representations have been received, 7 of which object to the proposal and 1 of which supports the proposal.

5.3 The objections are summarised as follows:

The building is 250mm higher than the approved planning permission allows. Other similar requests to raise the ridge height on buildings have been refused.

100 people have signed a petition against this proposal.

The roof height is 40cm higher than the planning permission (not 250mm).

Dormer windows have been repositioned and are now more than 1 metre higher and overlooking neighbouring properties impacting on their privacy.

If this application is allowed it would set a precedent for future applications to do the same.

The proposed relocation of the office studio will take it outside the building line and permission for this should be refused.

Drawings show the home office is to be enlarged in addition to being relocated.

A number of objections and complaints regarding the property have not been dealt with.

The agents employed by the applicant are providing misleading information.

A condition should be attached for the office relocation to ensure visiting vehicles park on the paved area in front of the house.

5.4 The comments in support are summarised as follows:

The relocation of the office is in a more suitable position and is well screened by trees and shrubs.
The 250mm increased roof height should be addressed in a fair, balanced and appropriate manner.

- 5.5 Reference is made to a petition of 100 signatures. However, no petition has been received in respect of this application.

6.0 Relevant Policy and Strategic Context

- 6.1 The Development Plan comprises the North East Derbyshire Local Plan. Brampton is preparing a Neighbourhood Plan but it does not yet form any part of the Development Plan.

The most relevant policies from the Local Plan pertinent to this application are as follows:

GS1: Sustainable Development
GS5: Settlement Development Limits.
BE1: General Design Principles
E8: Employment Development in Other Areas
H5: Domestic Extensions
T2: Highway Access and the Impact of New Development.
T9: Car Parking Provision

The North East Derbyshire Local Plan (2014-2034) Publication Draft (PDLP) has recently undertaken consultations on main modifications. It is nearing adoption which is anticipated in summer 2021. Its policies may therefore be afforded significant weight in decision making in accordance with paragraph 48 of the NPPF.

The most relevant policies from the PDLP pertinent to this application are as follows:

SS1: Sustainable Development
SS7: Development on Unallocated Land within Settlements with defined Settlement Development Limits
LC5: Residential Extensions
SDC12: High Quality Design and Place-Making

National Planning Policy Framework (NPPF)

The NPPF is a material consideration in determining this application

7.0 Planning Issues

- 7.1 The material matters in this case are:
- A. Is the increase in height and the other alterations to the plans approved in 2018 for extensions at the property acceptable in terms of their impact on the character and appearance of the area and the amenity of neighbours?
 - B. Is the office pod acceptable in terms of its impact on the character of the area?
 - C. Is the office pod acceptable in terms of any impact it has on highway safety?
- 7.2 Planning consent was granted in 2018 for extensions and alterations at the application property. This included various extensions and the raising of the roof to create additional storeys at the property. Subsequently, a further application seeking to add dormer windows into the roof (in place of roof lights) was also approved.
- 7.3 Further to this, it came to light that the development had not taken place in accordance with the approved details. It was originally thought this discrepancy was that the new structure was 400mm higher than approved but this application, further to the completion of the development, seeks formal consent to retain the structure as built at 250mm higher than originally approved. This change comes about as set out by the applicant's agent and follows the undertaking of a full and proper electronic survey. In addition, the approved dormer windows are set to the ridge of the roof rather than just below it. Other elements of the approved decision have been amended with a revised porch design on the front; minor alterations to the side (east) elevation; the omission of two ground floor windows to the rear and the reduction in size of another first floor window on the rear elevation.
- 7.4 The principle of extensions to houses in settlements (as here) is generally considered to be acceptable in principle. In this case, there is a fall-back position of the approved scheme of 2018. This is a material consideration. Therefore, the assessment here is whether the further changes from the approved details are acceptable.
- 7.5 The raising of the ridge height by 250mm and the placing of the dormers at the roof apex (rather than just below it) adds some marginal bulk to the property. However, Officers are of the view that as the site lies within a settlement and when viewed from the west, the most prominent viewing location, the bulk of the property is seen against other large dwellings, there would be a barely perceptible impact on the character of the area over what was originally approved. In addition, when viewed from closer vantage points such as the road outside the property and the local footpath network it will be very difficult to note any meaningful change to the overall impact of the property. As such, the dwelling as built is acceptable, with no unacceptable impact on the character of the area.

- 7.6 The extensions have a limited impact on the neighbouring property, an issue considered and assessed to be acceptable when the original permission for extensions was granted. The issue now is whether the revised scheme is any more harmful than that previously approved. Officers conclude that the revised scheme does not have a greater impact on the amenity of the neighbour than previously as it introduces no new side facing features than those previously approved.
- 7.7 The office pod was originally located to the side of the house. It has subsequently been moved closer to the road within the front garden against the hedge forming the boundary with another property to the east. It is in this location that consent is sought. It is single storey, flat roofed and located in the angle of two mature hedges, one to the side boundary and one to the road boundary. Whilst potentially visible from the highway, the hedge largely obscures the office building. If the hedge is retained to a height of 2 metres this screening will continue and the building will have very little impact on the character of the area.
- 7.8 The issue of the home office use and parking is raised as a matter of concern. The area is characterised by its residential nature and Officers are of the view that the introduction of an uncontrolled office use in this location would not be acceptable. However, suitably conditioned to allow the office to be used only by occupants of the house and as an ancillary building to it, it would be acceptable and not require any additional car parking on site.
- 7.8 Various other issues have been raised. However, it is essential to note that each case should be judged on its merits and permission in this case does not set a precedent for how future applications should be determined. On the specific issue of parking Officers conclude there is sufficient on-site parking to accommodate all vehicles likely to visit the property.

8.0 Summary and Conclusion

- 8.1 The applicant seeks consent to both retain the house extensions as built, and the relocated home office building.
- 8.2 Neither part of this proposal, the 250mm increase in height and the location of the home office building, adversely impact the character of the area or the amenity of neighbours. As such the whole application complies with the policies of the Development Plan.

9.0 Recommendation

- 9.1 It is recommended that consent be GRANTED to retain the development as constructed subject to the following conditions, the final wording of which is delegated to the Planning Manager (Development Management):
1. The development hereby approved shall be carried out in accordance with the submitted plans, unless otherwise specifically agreed in writing by the

Local Planning Authority or otherwise required by any other condition in this decision notice.

2. The home office hereby approved shall only be used by residents of the property known as "Betron" and by no other person.
3. The home office hereby approved shall be used solely as an ancillary building in association with "Betron" and shall not be independently used or sold.

PARISH Holmesfield Parish

APPLICATION Demolition of existing buildings (formerly used in association with the livery business and riding school); conversion of existing buildings (formerly used in association with the livery business and riding school) to form a single dwelling; restoration and retention of ancillary buildings; erection of four new dwellings with associated landscaping, parking and access (Resubmission of 19/00786/FL) (conservation area/affecting the setting of a listed building/affecting a public right of way)

LOCATION Cartledge Hall Farm, Cartledge Lane, Holmesfield, Dronfield

APPLICANT Mr Matthew Jacques C/o Agent

APPLICATION NO. 20/01137/FL **FILE NO.** PP-09262201

CASE OFFICER Mr Colin Wilson

DATE RECEIVED 18th November 2020

REFERRED TO COMMITTEE BY: Cllr Huckerby

REASON: The proposals represent an overdevelopment in the Conservation Area and highway safety concerns and need to be considered by the Planning Committee.

This application is a revised scheme of application reference number 19/00786/FL. Members may recall that the previous application was refused at the virtual Planning Committee held on 30th June 2020, following a decision having been taken to defer the application at the previous Planning Committee held at the Council Offices on 10th March 2020. The revised application comprises amendments to the previous scheme. The amendments are set out and assessed in the report below.

1.0 SITE DESCRIPTION

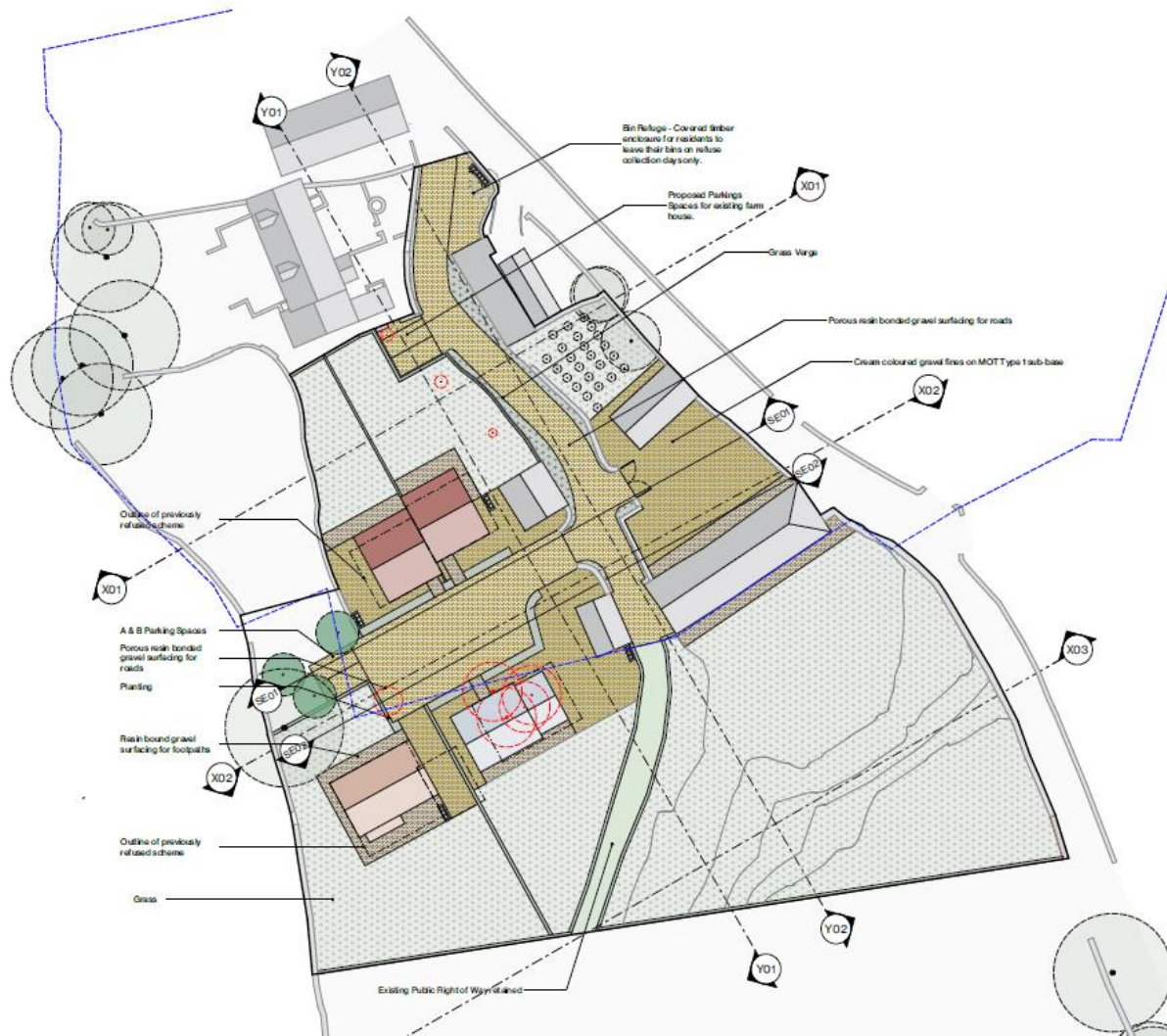
- 1.1 The application site comprises Cartledge Hall Farm, a complex of buildings situated off Cartledge Lane, Holmesfield. The site is a range of buildings including traditional stone built buildings that would have comprised the original farm complex. These buildings include a threshing barn, granary/cart shed, stables and pigsties believed to date from the 17th and 18th Century. A further cart shed positioned to the north of the threshing barn is thought to date back to the late 19th century.
- 1.2 Comparatively modern buildings and additions to the above mentioned historic buildings, being more utilitarian in their appearance also occupy the site. These buildings include a Dutch Barn, a substantial blockwork addition to the threshing barn, and a bungalow at the south-western corner of the site. The last stated use of the complex was as a commercial equestrian facility. At the time of Officers visit, it was apparent that the site was vacant.
- 1.3 To the south of the application site is open countryside designated as Green Belt. North-west of the site are a collection of dwellings fronting Cartledge

Lane, including Cartledge Hall Farm House. To the north-east of the site, on the opposite side of the bridleway, is a farm complex comprising a range of substantial buildings of an agricultural appearance. Approximately 50m to the north of the access to the application site lies a range of Grade II Listed buildings identified as Cartledge Grange. Further to the north, beyond the buildings at Cartledge Grange, is Cartledge Hall, a Grade II* Listed building with associated Grade II Listed barns.

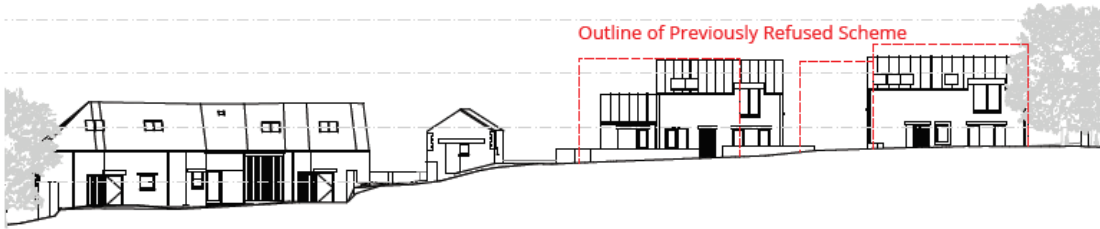
- 1.4 The application site is accessed via an existing private track taken from Cartledge Lane. The existing track is bound by stone walling. Cartledge Lane continues beyond the development site, bordering its north-eastern edge. Beyond the access to application site Cartledge Lane turns into an unmade track. Cartledge Lane and the unmade track are a designated Right of Way (Holmesfield Bridleway 53). A further designated Public Right of Way (Footpath 26) crosses the application site. The definitive line of the footpath bisects the existing threshing barn. It appears that pedestrians actually travel through the site via the existing track forming access to application site.
- 1.5 The application comprises a revised scheme of 19/00786/FL. At the time of Officers visit to the site for this revised application, no substantive changes in site circumstances were noted from Officers observations of the site in relation to application reference 19/00786/FL.

2.0 PROPOSAL

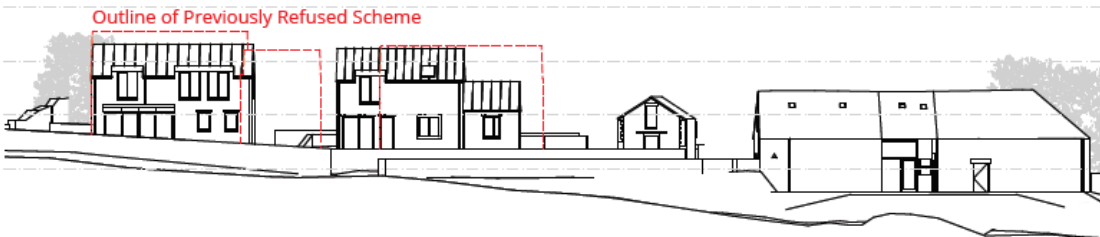
- 2.1 Demolition of existing buildings (formerly used in association with the livery business and riding school); conversion of existing buildings (formerly used in association with the livery business and riding school) to form a single dwelling; restoration and retention of ancillary buildings; erection of four new dwellings with associated landscaping, parking and access.
- 2.2 The proposals seek to remove the comparatively modern, utilitarian buildings from the site, whilst retaining the historic farm buildings. It is proposed that the existing threshing barn would be converted to form a 4 bedroom property with accommodation across the building's two floors. The remaining historic stone built buildings would be retained and converted to ancillary domestic purposes.
- 2.3 As was the case under application reference 19/00786/FL, the proposals include the construction of 4 additional dwellings within the site, fronting a courtyard/turning space located to the west of the threshing barn. A pair of semi-detached dwellings would be positioned at the northern side of the central courtyard. To the south of the courtyard, two detached dwellings would be constructed. See Site Layout below:



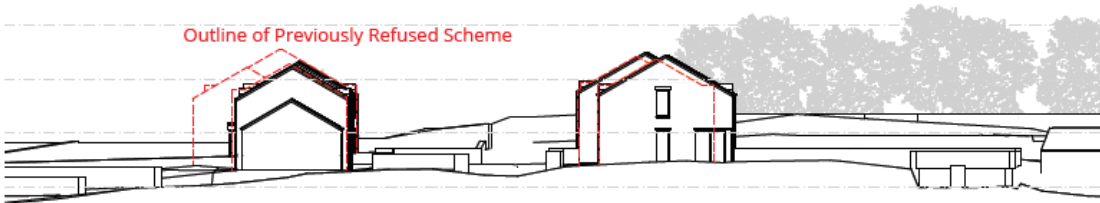
2.4 The applicant has set out that the revised proposals seek to address the reasons for refusal relating to application reference 19/00786/FL, namely impact on the Green Belt, intrusion into the countryside, and impact on the character and appearance of the Conservation Area. The main alterations to the previously refused scheme comprise a reduction in the scale and massing of the proposed development. It is set out in the submission that the total volume of the proposed built development has been reduced by nearly 20%. The proposed detached dwellings earmarked for the southern edge of the site have been reduced in terms of their mass and footprint (see image below taken from the applicant's Design and Access Statement Addendum). In addition, revisions have been made to the design of the proposed semi-detached dwellings to the north of the aforementioned detached dwellings – the main alterations being a narrower footprint and reduced eaves height. Furthermore, the previously proposed metal cladding has been omitted from the scheme, with more of an emphasis on the use of natural stone as the primary material of construction.



Proposed Short Section looking South

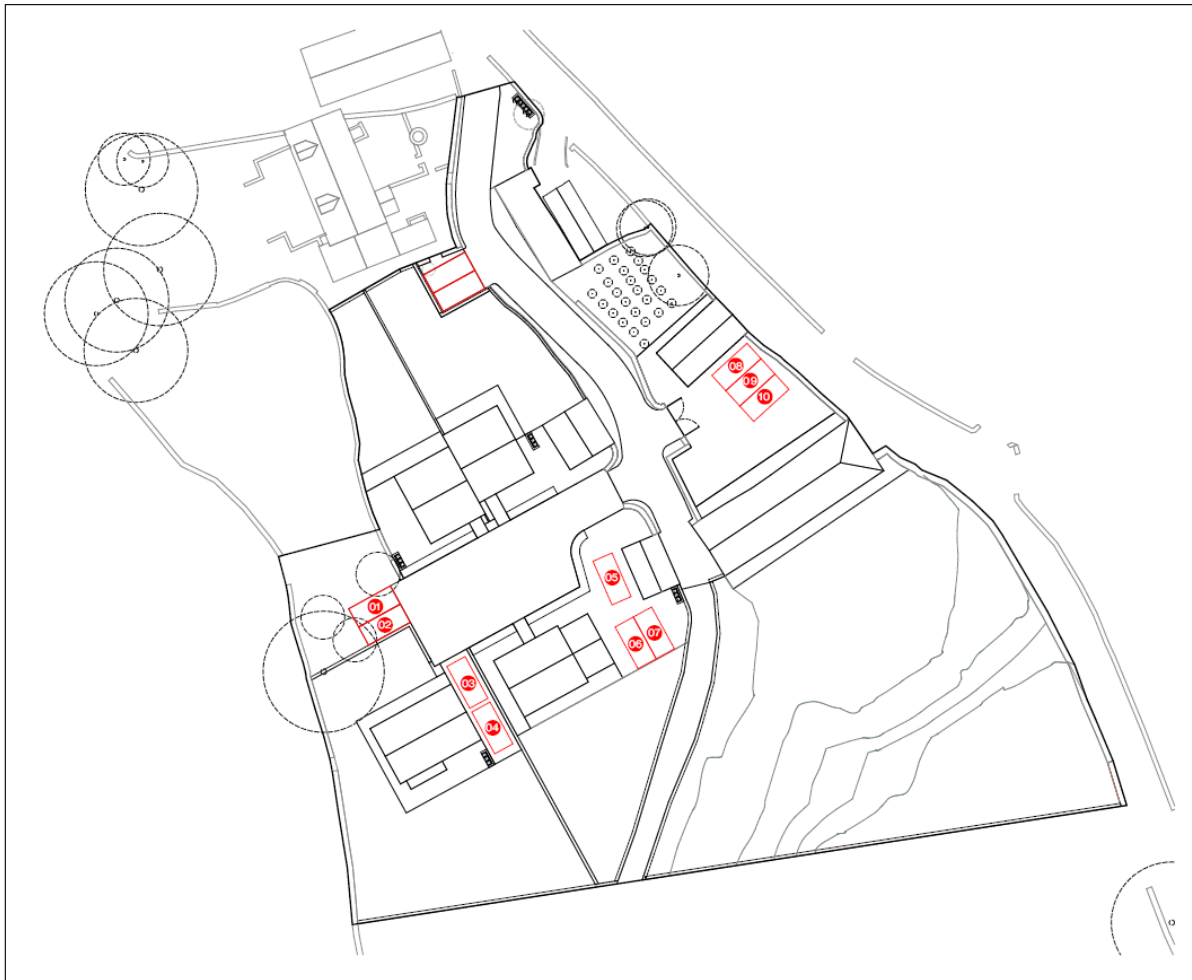


Proposed Short Section looking North



Proposed Long Section looking West

2.5 Access arrangements to the site would comprise an upgrading of the existing private track, by way of resurfacing with a porous resin bonded gravel. A parking layout has been submitted with the application (see image below). In terms of parking allocation for the 5 residential units proposed, each would comprise allocated spaces. The converted threshing barn and detached dwelling to the immediate west of the barn would each comprise 3 allocated spaces. Whereas, the other detached dwelling, further to the west, would comprise 2 parking spaces. The semi-detached dwellings proposed would each comprise a single parking space located to the west of the central courtyard. An additional two parking spaces would be provided within the site area for the occupiers of the existing farmhouse (which is situated outside the defined site area).



3.0 AMENDMENTS

3.1 No amendments have been submitted during the assessment of this application.

4.0 PLANNING HISTORY

4.1 The relevant planning history for the site can be summarised as follows:

87/00493/FL – Retention of change of use of farm building as livery stables – Conditionally Approved.

87/00494/RM – Use of agricultural dwelling as holiday accommodation – Conditionally Approved.

16/00318/LDC – Application for Lawful Development Certificate to regularise the retention of the dwelling in its current location and void condition 2 regarding agricultural workers – Certificate Issued

19/00786/FL – Demolition of a range of existing buildings (formerly used in association with the livery business and riding school); conversion of existing buildings (formerly used in association with the livery business and riding

school) to form a single dwelling; restoration and retention of ancillary buildings; and erection of four new dwellings with associated landscaping, parking and access (conservation area/affecting a public right of way)(Amended Plans) – Refused for the following reasons:

- 1) *The application site is located primarily within the Green Belt. The proposed development is considered to be unacceptable as the 4 new dwellings would cause substantial harm to the openness of the Green Belt and so constitute inappropriate development. There are not considered to be very special circumstances that outweigh this harm. The proposal is therefore considered contrary to policy GS2 of the North East Derbyshire Local Plan and the National Planning Policy Framework when read as a whole.*
- 2) *The application site is located within the open countryside. The proposed development, by reason of its prominent location overlooking the Millthorpe valley, scale, massing and the materials proposed would not be in keeping with the character of the area and represent a prominent intrusion and so fail to protect and enhance the natural environment. The proposal is therefore contrary to policies GS1, GS6 and H12 of the North East Derbyshire Local Plan and the National Planning Policy Framework when read as a whole.*
- 3) *The site is located within the Cartledge Hall Conservation Area. By reason of their prominent location, scale, massing and the materials proposed the new buildings proposed would harm the intrinsic character of the Conservation Area. The public benefits are not considered proven and so do not outweigh this harm. The proposal is therefore contrary to policies GS1 and BE11 of the North East Derbyshire Local Plan and the National Planning Policy Framework when read as a whole.*

5.0 PLANNING POLICY CONSIDERATIONS

North East Derbyshire District Local Plan

5.1 The North East Derbyshire Local Plan (adopted November 2005) forms the Development Plan for the area.

5.2 The Local Plan policies most relevant to the proposals are set out below:

- GS1 Sustainable Development
- GS2 Development in the Green Belt
- GS5 Settlement Development Limits
- GS6 New Development in the Countryside
- GS7 Change of Use and Conversions
- BE1 General Design Principles
- BE9 Development in the Vicinity of a Listed Building
- BE11 Development Within and Adjoining Conservation Areas
- H3 New Housing Outside Settlement Development Limits
- T2 Highway Access and the Impact of New Development

- T9 Car Parking Provision
- CSU4 Foul and Surface Water Drainage
- NE6 Development Affecting Nationally Rare Species

5.3 The Local Plan (2014-2034) was submitted for examination in May 2018, with public hearings taking place in November/December 2018 and March 2019. The Inspector issued her interim findings in letters dated 18 February and 21 March, 2019. Following local elections in May 2019, the Council paused the Plan, pending consideration of its options around housing numbers and Green Belt release. On 27 February, 2020 the Council announced the un-pausing of the Plan to allow it to proceed to the next stage of consultation on the Main Modifications, which began on the 2nd November. It is expected that the Plan will achieve adoption in spring 2021. The emerging Local Plan is therefore at an advanced stage and, in accordance with the advice set out in paragraph 48 of the National Planning Policy Framework, significant weight should be attached to the Plan in decision making.

5.4 The following Local Plan: Publication Draft policies are relevant to this application and are material consideration. Policies most relevant in the determination of this application are set out below.

- SS1 Sustainable Development
- SS9 Development in the Countryside
- SS10 North East Derbyshire Green Belt
- SDC1 Re-use of Building in the Green Belt and Countryside
- SDC3 Landscape Character
- SDC4 Biodiversity and Geodiversity
- SDC5 Development with Conservation Areas
- SDC6 Development Affecting Listed Buildings
- SDC9 Non-designated Local Heritage Assets
- ID3 Sustainable Travel

National Planning Policy Framework

5.5 The overarching aims of the National Planning Policy Framework (NPPF) have been considered in the assessment of this application.

Successful Places

5.6 North East Derbyshire District Council's 'Successful Places' Interim Planning Guidance is applicable in the assessment of this application.

6.0 PUBLICITY, CONSULTATIONS AND REPRESENTATIONS

6.1 The application was publicised by way of neighbour letters, display of a site notice, and a press notice published in the Derbyshire Times. 22 representation letters have been received and can be summarised as follows:

- The former equestrian operations on the site were limited and not a formal business. Whilst it is accepted that riding centre and livery could be regarded as previously developed land, that use has been abandoned and the site therefore comprises a nil use. Officer Note: Overall, Officers are satisfied that the former equestrian use of the site has not been abandoned in planning terms or 'blended into the landscape'. See Assessment below for further details.
- The claims that Cartledge Hall Farm was a riding school and equestrian centre are incorrect. It was purely an approved livery yard offering stable accommodation on a 'do it yourself' basis. Applications at the adjacent Holmesfield Equestrian Centre on the opposite side of the lane have erroneously been included in the assessment of the current application exaggerating the equestrian activities at Cartledge Hall Farm. Officer Note: Officers remain satisfied that the application site comprises a former equestrian use and therefore represents Previously Developed Land, as per the NPPF definition. See Assessment below for details.
- The proposed development does not represent an 'enabling development' and no financial assessment has been undertaken in this regard. Therefore, no very special circumstances exist. Officer Note: Officers are of the view that the wider benefits of the scheme would represent very special circumstances and public benefits that would respectively outweigh the harm arising in Green Belt and heritage terms. This matter is covered in the Assessment section of this report below.
- The amendments made to the previously refused scheme (19/00786/FL) are insignificant and do not address the reasons for refusal given by the Council.
- The design of the proposed dwellings are less sympathetic to the character and appearance of the Conservation Area, and the openness of the Green Belt, with the dwellings appearing box like and the metal profiling retained.
- The proposed dwellings would be out of place visually and detrimental to the character of the Conservation Area.
- The proposals would adversely affect the openness of the Green Belt, which could be further exacerbated should the residents have further PD rights to extend the properties proposed under this application.
- The proposals represent an overdevelopment of the site.
- Highway safety concerns. The outstanding issues outlined by Highways Officers have not been addressed. Issues relate to insufficient parking provision within the site, a substandard access onto Cartledge Lane, and concerns around the existing junction of Cartledge Lane and Millthorpe Lane.
- Concerns regarding the location of the site notice. Officer Note: Officers are satisfied that the application has been correctly publicised, inter alia, by the display of a site notice in the vicinity of the site.
- Light pollution concerns, particularly given the hillside location of the site.
- Landscape harm arising as a consequence of the proposed development of the site.
- Concerns relating to the proposed development on biodiversity in the locality.

- Whilst some welcome changes have been made to the proposed appearance of the properties, concerns remain regarding the sheet steel roofs.
- The conservation value of retaining some of the historic farm buildings on the site is overshadowed by the scale/ scope of the new private housing development. The use of more stone as a construction material is not enough to address the reasons for refusal of the previous application.
- A former occupier of Cartledge Hall Farm sets out that their old home of 45 years, Cartledge Hall Farm, was never a commercial riding school, but was an approved Livery Yard.
- The status and line of footpath 26 is yet to be clarified, which raises concerns.

6.2 The **Ward Member** and **Parish Council** were consulted on the application:

- The Ward Member raised concerns regarding the proposals from heritage and highway safety viewpoints. The Ward member has called-in the application for a committee determination.
- The Parish Council raised objections to the proposed development on the basis that, whilst there is an appreciation that there is a need to renovate the existing agricultural buildings, there are concerns that the proposals represent an overdevelopment of the site, with the construction of a number of new buildings. It would be preferable if more use could be made of the existing buildings on site. Furthermore, there are concerns regarding the insufficient parking spaces for residents and the proposed access which comprises a narrow track with poor visibility on to Cartledge Lane, adjacent to a working farm.

6.3 **Derbyshire County Council Highways Officers** were consulted on the application, reiterating the comments made in relation to application reference number 19/00786/FL, which raised concerns relating to the proposed access and parking arrangements. See Assessment below for details.

6.4 **NEDDC Environmental Health Officers** were consulted on the application, raising no objections to the proposed development, subject to conditions relating to land contamination mitigation measures.

6.5 **Historic England** were consulted on the application, advising that they have no specific comments to make in regards to the application.

6.6 The relevant **Footpaths Societies** were consulted on the application:

6.7 **Holmesfield Footpaths and Bridleways Society** raised comments which can be summarised as follows: It is necessary to clarify and legalise the status of Footpath 26. Previous comments by walking groups have expressed concerns, which have not been resolved. Under the proposed plan, the farm track would become a hard-surfaced road used by potential residents, visitors and service vehicles. The future use of the footpath must be discussed and considered. The legal position of the present route needs to be regularised

and if necessary redesignated before further action is taken on the planning application.

- 6.8 **Peak and Northern Footpaths Society** were notified of the application objecting to the proposals on the basis that footpath 26 is blocked by the threshing barn. It was stated in the comments that the applicant can be required by planning condition to apply for a Public Path Diversion Order under s.257 of the 1990 Town & Country Planning Act. A diversion onto the line already used without problem by walkers would be the ideal solution to all parties.
- 6.9 **Chesterfield, North East Derbyshire, and Bolsover Group of Ramblers** raised objections to the proposed development requesting that consideration is given to restoring the original line of the path or applying separately for a formal diversion.
- 6.10 **Derbyshire County Council Rights of Way Officers** advised that Officers should be aware that Holmesfield Public Footpath 26 passes through one of the buildings on the site and requires a public path diversion order to make the path available to the public. See Assessment below for details.
- 6.11 The **Water Authority (Yorkshire Water)** were consulted on the application, recommending that conditions relating to drainage of the site be included in any granted planning permission.
- 6.12 **Derbyshire County Council Archaeology** were consulted on the application, reiterating previous comments made in relation to the application. In addition, advising that a range of conditions relating to archaeological recording and monitoring, and historic building recording, be imposed should planning permission be granted.
- 6.13 **Derbyshire Wildlife Trust (DWT)** were consulted on the application, advising that the ecological survey data submitted with this application appears to be identical to the previous consultations and the information is still valid for this application. Therefore comments made on the 20th February 2020 are still valid and applicable. Previously, under application reference number 19/00786/FL, DWT advised that sufficient information has been submitted to determine the application, recommending that a number of conditions be imposed relating to mitigation/ enhancement measures.

7.0 PLANNING CONSIDERATIONS

- 7.1 The main considerations for this application are the suitability of the proposal in this location in policy terms, its effect on the character of the site and the surrounding area, impact on the Green Belt, impact on heritage assets, the privacy and amenity of neighbours, and highway safety issues.

8.0 PLANNING ASSESSMENT

Principle of Development

- 8.1 North East Derbyshire Local Plan Policy GS2 relates to new development in the Green Belt. The Policy states that the reuse of buildings in the Green Belt does not represent an inappropriate form of development, on the basis that such development does not have a materially greater impact than the present use on the openness of the Green Belt and the purposes of including land in it, and satisfies the relevant criteria of Policy GS7 (change of use and conversions). In this respect, Policy GS2 is generally consistent with paragraph 146 of the National Planning Policy Framework (NPPF), which allows for the re-use of buildings provided that such proposals preserve the openness of the Green Belt and do not conflict with including land in Green Belt.
- 8.2 Policy GS7 relates to the change and of use of buildings. The Policy states that planning permission for the conversion or change of use of an existing building will be granted provided that: (a) the building is of a permanent and substantial construction; (b) where a building is situated outside a Settlement Development Limit it is capable of conversion without the need for major rebuilding or extension; (c) the form, scale, massing, materials, general design and appearance of the development respects the character and appearance of the original building, the site and its surroundings with particular regard to local distinctiveness in design; and (d) the proposed use of the curtilage of the building does not have an adverse effect upon the character of the area or neighbouring land uses.
- 8.3 In some other regards relevant to the assessment of this application, North East Derbyshire Local Plan Policy GS2 is inconsistent with up-to-date Green Belt Policy contained within the NPPF. Paragraphs 145 and 146 of the NPPF set out that the certain forms of development that are not inappropriate in the Green Belt. Once such identified exception, not included in Policy GS2 of the Local Plan, comprises limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would: not have a greater impact on the openness of the Green Belt than the existing development; or not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.
- 8.4 Annex 2 of the NPPF provides a Glossary, which includes a description of previously developed land. The Glossary describes previously development land as; land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that

was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.

- 8.5 It is raised in the neighbour representations summarised above that the extant use of the site as an equestrian facility has been embellished somewhat. Furthermore, it is set out in the representations that the equestrian use of the site has been abandoned and therefore the site comprises as nil use. Officers remain satisfied that the application site comprises a former equestrian use and therefore represents previously developed land, in accordance with the above Policy definition. Equestrian uses do not fall within the defined exceptions to previously developed land as set out in the NPPF definition, regardless of the intensity of said use. Moreover, Officers do not consider that the site has been abandoned or blended into the landscape. It is the view of Officers that whilst the site is currently vacant, facilities, including stabling and a riding arena, remain in situ for an equestrian enterprise to recommence from the site.
- 8.6 In light of the above Policy context, Officers consider that the principle of the re-development of the site would be acceptable provided that the development does not have a greater impact on the openness of the Green Belt than the existing use; otherwise the development would comprise inappropriate development which would be by definition harmful, unless justified by very special circumstances.

Green Belt Considerations

- 8.7 On the basis of the above Policy context, Officers are of the view the conversions of existing buildings within the application site would be in compliance with the applicable Green Belt Policies. The historic buildings in question are of a permanent and substantial construction and capable of conversion in a manner that would respect the character and appearance of the original building, and their local distinctiveness. Officers are of the view that precise details of the repairs and alterations involved in the conversion of the historic buildings could be controlled by a planning condition.
- 8.8 Officers are satisfied that the application site complies with the definition of previously developed land, as set out above. The site currently lies vacant but its last known use was a commercial equestrian facility. Such a use is not included in the exclusions set out in the definition of previously development land.
- 8.9 The applicant asserts that the proposed development would not result in any increase in built development within the application site in volumetric terms. This is as a consequence of a number of existing buildings being removed from the site to facilitate the delivery of the proposed dwellings. Whilst Officers consider that, by offsetting the proposed development against the existing built volume, the proposals would not result in any significantly greater impact in spatial terms, openness is not measured in simple volumetric terms, with visual impact also being a fundamental consideration:

- 8.10 Officers retain the view that the buildings earmarked for demolition and removal from the site have a relatively low profile when compared to the dwellings proposed, particularly the two storey detached dwellings at the southern elements of the site. Whilst the scale and massing of the proposed dwellings has been reduced from the scheme refused under application reference number 19/00786/FL, Officers maintain the view that the proposed development as a whole would fail to preserve the openness of the Green Belt in visual terms, introducing sizeable buildings towards the southern edge of the site, which is relatively conspicuous from wider views from the open countryside to the south. Consequently, the proposed development is considered to represent an inappropriate form of development in the Green Belt.
- 8.11 Paragraph 143 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Matters of Very Special Circumstances are considered later in this report (starting at Paragraph 8.20).

Heritage Considerations

- 8.12 Cartledge Hall Farm is located within the Cartledge Conservation Area. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 makes it a statutory duty for local planning authorities in exercising their planning functions to pay special attention to the desirability of preserving or enhancing the character and appearance of Conservation Areas.
- 8.13 Local Plan Policy BE11 relates to development within and adjacent to Conservation Areas and is therefore relevant in the assessment of this application. The Policy sets out a requirement for development proposals to preserve or enhance the Character of the Conservation Area.
- 8.14 Local Plan Policy BE11 is not considered to be entirely consistent with the NPPF. Paragraph 196 of the NPPF sets out that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 8.15 The Heritage Statement that supports this planning application is considered by Officers to be both detailed and well researched. It provides clear and convincing justification for the heritage led approach chosen for the proposed development. The statement also makes it clear that the existing historic buildings on the site have significant historic value both individually and as a farm group. The statement also sets out that this proposal provides a solution for the retention of the historic farm group.
- 8.16 Officers are of the view that the proposed semi-detached properties, by virtue of their siting within the farm complex and their scale and design, sit comfortably within the farm group in visual terms. As part of this revised scheme, endeavours have been made to further improve the visual impact of

these dwellings by way of narrowing of their overall width and reducing the eaves height.

- 8.17 Having considered the Heritage Statement submitted by the applicant, Officers are broadly supportive of the assessment in its assertion that the existing bungalow and the livery stables (both earmarked for removal) are out-of-place and detrimental to the setting of the Conservation Area. Officers consider that the existing bungalow and livery stables detract from the setting of the historic farm group, in terms of their design and appearance. In this regard their removal from the site would be welcomed. That being said, in terms of scale, the bungalow and stables are considered to be subordinate to the wider farm group. By virtue of their scale and massing, the proposed detached properties at the southern element of the site are considered to represent a more substantial form of development. Whilst the scale and massing for the proposed dwellings has been reduced from those proposed under 19/00786/FL, Officers retain the view that they would, albeit to a lesser degree, detract from the character and appearance of the Conservation Area. The harm identified is considered to be 'less than substantial'.
- 8.18 Whilst the harm arising as a consequence of the visual impact of the proposed detached dwellings is recognised, the proposals are considered to represent a comprehensive redevelopment scheme that repairs and retains all the historic farm buildings and the dry-stone boundary walls within the application site, all of which contribute positively to the character and appearance of the Conservation Area. The historic buildings on the site are in a very poor state of repair where the cost of repair and refurbishment is likely to be substantial. The possibility of new uses for these buildings other than residential conversion is also considered to be unlikely. Therefore, given the importance of the historic farm group, in line with paragraph 196 of the NPPF, the less than substantial harm caused by the massing and scale of the new buildings, would, in the view of Officers, be outweighed by the public benefit of saving this important historic farm group and securing an optimum viable use.
- 8.19 Overall, Officers are of the view that the reduced scale and massing of the proposed dwellings, particularly the detached dwellings proposed at the southern edge of the site, weighs further in favour of the scheme. The identified harm, against which the wider public benefits of the scheme must be weighed, has, in the view of Officers, been reduced as a consequence of the revisions made to the previously refused scheme (19/00786/FL).

Very Special Circumstances

- 8.20 As set out above, as a consequence of its impact in visual terms, the proposed development represents an inappropriate development in the Green Belt and would therefore be unacceptable, unless very special circumstances exist.
- 8.21 In this instance, the harm to the Green Belt by way of inappropriateness would be outweighed by the identified public benefits brought about by saving this important historic farm group and securing an optimum viable use. The public

benefits identified would, amount to very special circumstances in favour of the proposed development. The reduction in the scale and massing of the proposed detached dwellings at the southern edge of the site reduces the harm to the character of the Conservation Area and the openness of the Green Belt, thereby tipping the balance further, in terms of the benefits of the scheme outweighing the harm.

- 8.22 On the basis of the above, the proposed development complies with the requirements of Policy GS2 of the North East Derbyshire Local Plan and the NPPF when read as a whole.

Residential Amenity

- 8.23 The proposed scheme would not give rise to any significant adverse impacts on the amenity levels currently enjoyed by the occupiers of nearby sites, the nearest of which being the farmhouse to the north.
- 8.24 Moreover, the relationship between the proposed residential units results in a scheme that would provide a satisfactory level of amenity for its occupiers. Separation distances between properties and private amenity spaces for the proposed residential units would generally be in accord with guidance set out in the Council's Interim Planning Guidance, Successful Places.

Highway Safety and Public Rights of Way

- 8.25 Paragraph 109 of the National Planning Policy Framework (NPPF) states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 8.26 Derbyshire County Council Highways Officers were consulted on the application, reiterating the comments made in relation to the previous application, which advised that the proposed layout required amendments to address concerns regarding access and parking and manoeuvring space within the site. Highways Officers advised that the width of the site access should be maximised and it would be preferable for the initial 5m in length to be 5m in width, to allow two vehicles travelling in opposite directions to pass.
- 8.27 In response to a submitted plan detailing parking layout, Highways Officers went on to raise concerns regarding the apparent under provision of off-street parking, especially given the lack of other opportunities to park within the site. Highways Officers advised that they would not wish to see turning provision negated leading to long reversing manoeuvres back to the publicly maintainable highway.
- 8.28 The concerns raised by DCC Highways Engineers are noted, however Officers consider that the proposed access and parking arrangements would not give rise to any significant highway safety concerns, in part, as a consequence of the access to the site being taken from a lightly trafficked lane (Cartledge Lane). Officers are of the view that a widening of the existing

access would represent an over engineering of the access that would unnecessarily detract from the character and appearance of the area. Moreover, given its position at a location that would see limited vehicular movements and low vehicle speeds, the existing access would adequately serve a development comprising five residential units, without causing unacceptable impacts on highway safety, or harmful residual cumulative impacts on the road network.

- 8.29 On the under provision of allocated parking spaces, specifically for the proposed semi-detached properties, each comprising a single parking space, Officers consider that whilst the under provision of allocated parking space (Local Plan standards indicate that 2 spaces should be provided for new dwellings) may lead to some inconvenience to residents, this would not amount to unacceptable harm from a highway safety perspective, in view of the site's location and the access arrangements referred to above.
- 8.30 The proposals would have no material impact on the definitive line of the footpath (Footpath 26), which bisects the existing threshing barn earmarked for conversion. As such, this matter could be covered by way of an informative advising the applicant of their duties in regards to the Public Right of Way (should planning permission be granted). During the processing of this application and the preceding application, the applicant has indicated their intention to seek a formal diversion of the footpath to regularise the existing unofficial route of the footpath, which follows the private access track serving the proposed residential development.

Ecology

- 8.31 Derbyshire Wildlife Trust (DWT) advise that their previous comments (relating to 19/00786/FL) remain applicable. Under the previous application DWT said that the application was not accompanied by sufficient information to demonstrate the extent that bats may be affected by the development. Subsequently, a further bat activity report was submitted. Following further clarifications DWT advised that sufficient information had been submitted to determine the application, recommending that a number of conditions be imposed relating to mitigation/ enhancement measures.

Archaeological Considerations

- 8.32 Derbyshire County Council Archaeology Development Control reiterated previous comments. In addition, it advised a range of conditions relating to archaeological recording and monitoring, and historic building recording, be imposed should planning permission be granted.
- 8.33 Derbyshire County Council Archaeology Development Control made additional comments on the previous application with regard to the wider heritage considerations. These comments can be summarised as: the conversions and restoration of the traditional buildings on this site are largely welcomed. However, they raised objections to the proposed style of the new

build houses and the proposed landscaping of the site in terms of their impact in visual/ heritage terms.

- 8.34 In response to the Derbyshire County Council Archaeology Development Control comments on wider heritage matters, the applicant previously submitted additional information in the form of a rebuttal letter, countering the concerns raised.
- 8.35 Having considered the comments raised by Derbyshire County Council Archaeology Development Control, the issues raised do not alter the view set out above in the Heritage Considerations section of this report.

Conclusions

- 8.36 Whilst the development site comprises previously developed land, the proposals will have a greater impact on the openness of the Green Belt than the existing situation. In this regard, the proposed development does not comply with the defined Policy exceptions to inappropriate development in the Green Belt. Moreover, the proposed detached dwellings at the southern element of the site would result in less than substantial harm to character and appearance of the Conservation Area, by virtue of their scale and massing. That being said, the proposals would represent a comprehensive redevelopment of the entire site, refurbishing and retaining all the historic farm buildings and the dry-stone boundary walls within the application site.
- 8.37 The less than substantial harm caused by the massing and scale of the new buildings, which has been reduced from the previously refused scheme, is outweighed by the public benefits arising by saving this important historic farm group and securing an optimum viable use, in accord with Paragraph 196 of the NPPF. Moreover, the identified public benefits amount to very special circumstance that would outweigh the harm to the Green Belt.
- 8.38 Subject to conditions, there are no other technical reasons that would warrant refusal of the application.
- 8.39 The proposals represent an acceptable form of development in accord with the applicable Policies contained within the North East Derbyshire Local Plan and National Planning Policy Framework (NPPF).

9.0 Recommendation

Grant permission subject to the following conditions:

- 1 The development hereby permitted shall be started within 3 years from the date of this permission.
- 2 The development hereby approved shall be carried out in accordance with the details shown on the following drawings unless otherwise subsequently agreed through a formal submission under the Non Material Amendment

procedures and unless otherwise required by any condition contained in this decision notice:

Received at this office on 18.11.2020

- Proposed Lighting Strategy A1 (drawing number 000-011)
- Location Plan (drawing number 000-001)
- Proposed Site Plan (drawing number 000-003)
- Topographical Survey Showing Demolitions (000-005)
- Proposed Landscape Plan (000-010)
- Proposed Car Parking Plan (000-012)
- Demolition Layouts Sheet (100-002)
- Threshing Barn Roof Plan (100-102)
- House Type A&B Proposed Plans (100-221)
- House Type C Proposed Plans (100-222)
- House Type D Proposed Plans (100-223)
- Proposed Site Sections Sheet (200-101)
- Proposed Site Sections Sheet (200-102)
- Demolition Sheets (Drawing Numbers 000-005-008)
- Proposed Street Scene (300-010)
- Threshing Barn Proposed Elevations Sheet (300-101)
- House Type A & B Proposed Elevations (300-221)
- House Type C Proposed Elevations (300-222)
- House Type D Elevations (300-223)
- Boundary Treatments (400-001)

09.12.2020

- Threshing Barn – Proposed Ground Floor Plan (100-100(PA1))
 - Threshing Barn – Proposed First Floor Plan (100-101(PA1))
 - Threshing Barn – Proposed Elevations (300-001(PA2))
- 3 Notwithstanding the provisions of Article 3(1) of the Town and Country Planning (General Permitted Development) Order 2015, (or any Order revoking and re-enacting that Order) no extensions (Part 1 Class A), dormer windows (Part 1 Class B), alterations to the roof (Part 1 Class C), curtilage buildings (Part 1 Class E), means of enclosure (Part 1 Class E), hard surfaces (Part 1 Class F), means of enclosure (Part 2 Class A) shall be erected/constructed without first obtaining planning permission.
- 4 Before above ground works start, a plan to show the positions, design, materials, height and type of boundary treatment to be erected shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be completed before the occupation of the dwelling hereby approved and shall be retained as approved thereafter.
- 5 Before above ground works start, details of the existing ground levels, proposed finished floor levels of the proposed dwellings, and the proposed finished ground levels of the site, shall be submitted to and approved in

- writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.
- 6 Before above ground works start, precise specifications or samples of the walling and roofing materials to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.
 - 7 Prior to the commencement of development, precise details of the proposed works to convert the historic buildings to be retained within the site, including detailed drawings, shall be submitted to and agreed in writing by the Local Planning Authority. The proposed conversions of the retained buildings shall then take place strictly in accordance with the approved details.
 - 8 The new build properties hereby approved shall not be occupied until the conversion of the existing historic buildings within the farm group have been substantively completed.
 - 9 Before above ground works commence, the following shall be submitted to and approved in writing by the Local Planning Authority:
 - a) a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land,
 - b) the details of any trees and hedgerows to be retained, together with measures for their protection during development,
 - c) a schedule of proposed plant species, size and density and planting locations and
 - d) an implementation programme
 - 10 All planting, seeding or turfing in the approved scheme of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
 - 11 The site shall be developed with separate systems of drainage for foul and surface water on and off site.
 - 12 The development shall be carried out in accordance with the details shown on the submitted on drawing CHFHAP-CHG-EX-XX-DP-C-0100 (revision P2) dated 15/11/2020 prepared by Collins Hall Green Ltd., unless otherwise agreed in writing with the Local Planning Authority. (In the interest of satisfactory and sustainable drainage)
 - 13 Before the commencement of the development hereby approved:

- a) A Phase I contaminated land assessment (desk-study) shall be undertaken and approved in writing by the local planning authority.
- b) The contaminated land assessment shall include a desk-study with details of the history of the site use including:
 - the likely presence of potentially hazardous materials and substances,
 - their likely nature, extent and scale,
 - whether or not they originated from the site,
 - a conceptual model of pollutant-receptor linkages,
 - an assessment of the potential risks to human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, ground waters and surface waters, ecological systems, archaeological sites and ancient monuments,
 - details of a site investigation strategy (if potential contamination is identified) to effectively characterise the site based on the relevant information discovered by the desk study and justification for the use or not of appropriate guidance. The site investigation strategy shall, where necessary, include relevant soil, ground gas, surface and groundwater sampling/monitoring as identified by the desk-study strategy

The site investigation shall be carried out by a competent person in accordance with the current U.K. requirements for sampling and analysis. A report of the site investigation shall be submitted to the local planning authority for approval.

- 14 Before the commencement of the development hereby approved:

Where the site investigation identifies unacceptable levels of contamination, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be submitted to and approved in writing by the local planning authority. The submitted scheme shall have regard to CLR 11 and other relevant current guidance. The approved scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria and site management procedures. The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The developer shall give at least 14 days notice to the Local Planning Authority (Environmental Health Division) prior to commencing works in connection with the remediation scheme.

- 15 The development hereby approved shall not be occupied until:

a) The approved remediation works required by 13 above have been carried out in full in compliance with the approved methodology and best practice.

b) If during the construction and/or demolition works associated with the development hereby approved any suspected areas of contamination are discovered, which have not previously been identified, then all works shall be suspended until the nature and extent of the contamination is assessed and a report submitted and approved in writing by the local planning authority and the local planning authority shall be notified as soon as is reasonably practicable of the discovery of any suspected areas of contamination. The suspect material shall be re-evaluated through the process described in 13b to 14 above and satisfy 16a above.

c) Upon completion of the remediation works required by 14 and 15a above a validation report prepared by a competent person shall be submitted to and approved in writing by the local planning authority. The validation report shall include details of the remediation works and Quality Assurance/Quality Control results to show that the works have been carried out in full and in accordance with the approved methodology. Details of any validation sampling and analysis to show the site has achieved the approved remediation standard, together with the necessary waste management documentation shall be included.

16 No development shall take place until a Written Scheme of Investigation for archaeological work has been submitted to and approved by the local planning authority in writing, and until any pre-start element of the approved scheme has been completed to the written satisfaction of the local planning authority.

The scheme shall include an assessment of significance and research questions; and

1. The programme and methodology of site investigation and recording
2. The programme for post investigation assessment
3. Provision to be made for analysis of the site investigation and recording
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
5. Provision to be made for archive deposition of the analysis and records of the site investigation
6. Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation"

Thereafter, development shall take place other than in accordance with the approved archaeological Written Scheme of Investigation.

17 The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological Written Scheme of Investigation approved under condition 17 and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

18 No development, including demolition, shall take place until a Written Scheme of Investigation for historic building recording has been submitted to and approved by the local planning authority in writing, until all on-site elements of

the approved scheme have been completed to the written satisfaction of the local planning authority, and until the provision to be made for analysis, reporting, publication and dissemination of the results and archive deposition has been secured. The Written Scheme of Investigation shall include an assessment of significance and research questions; and

1. The programme and methodology of site investigation and recording
2. The programme and provision for post-investigation analysis and reporting
3. Provision to be made for publication and dissemination of the analysis and records of the site investigation
4. Provision to be made for archive deposition of the analysis and records of the site investigation
5. Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation".

Thereafter, the development shall take place in accordance with the approved Written Scheme of Investigation for historic building recording.

- 19 The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation for historic building recording approved under condition 19 and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.
- 20 No removal of hedgerows, trees, shrubs or brambles shall take place between 1st March and 31st August inclusive, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period, and details of measures to protect the nesting bird interest on the site, have first been submitted to and approved in writing by the local planning authority and then implemented as approved.
- 21 Prior to the commencement of development, including preparatory site clearance, a detailed badger survey for any recently excavated badger setts on the site or within 30 metres of the site boundary should be undertaken. The results and any appropriate mitigation/licensing requirements shall be submitted to the Local Planning Authority for approval. Such approved measures must be implemented in full.
- 22 All excavations shall be covered overnight or else have an escape ramp to prevent entrapment of badgers, hedgehogs and other wildlife. All pipework greater than 150 mm should be blanked off at the end of the day and chemicals should be stored securely
- 23 Prior to building works commencing above foundation level, a Biodiversity Enhancement Plan shall be submitted to and approved in writing by the Local Planning Authority to achieve a net gain in biodiversity in accordance with the NPPF 2019. Such approved measures shall be implemented in full and maintained thereafter. Measures shall include (but are not limited to):

- a. Details of four habitat bat boxes, as per the recommendations within the reports by Estrada Ecology will be clearly shown on a plan (positions/specification/numbers).
 - b. Details of four bird boxes (including swift boxes) to be positioned on the dwellings will be clearly shown on a plan (positions/specification/numbers).
 - c. Details of at least 3 insect bricks / boxes will be clearly shown on a plan (positions/specification/numbers).
 - d. Measures to maintain connectivity for hedgehogs shall be clearly shown on a plan (fencing gaps 130 mm x 130 mm and/or railings and/or hedgerows).
 - e. Summary of ecologically beneficial landscaping (full details to be provided in Landscape Plans).
- 24 The works to the Threshing Barn shall not take place until a European Protected Species licence has been obtained from Natural England and any other survey work considered necessary to inform the licence application has been undertaken. Upon receipt of a licence from Natural England, works shall proceed strictly in accordance with the approved mitigation. Such approved mitigation will be implemented in full in accordance with a timetable of works included within the licence and followed thereafter. A copy of the licence will be submitted to the LPA once granted. Confirmation will also be submitted to the LPA once all mitigation is installed, along with a copy of the results of any monitoring works.

North East Derbyshire District Council

Planning Committee

16 March 2021

Planning Appeals Lodged and Determined

Report No PM/16/20-21/AK of the Planning Manager – Development Management

This report is public

Purpose of the Report

- To inform the Committee of the appeals lodged and determined.

1 Report Details

1.1 Appeals Lodged

Mrs Lynn Booth Swim 1-2-1 - Lawful development certificate application for the provision of 121 swimming tuition on a Saturday 8:30 - 16:30, and Sunday 8:30 - 16:30 at The Croft, Mansfield Road, Mile Hill, Hasland (19/01159/LDC)

Planning Officer - Aspbury Planning (SW) Susan.Wraith@ne-derbyshire.gov.uk

Mr Perez - Change of use of land to create 2 no. parking spaces (Resubmission of 20/00125/FL) at 1 Overton Lodge, Jetting Street, Milltown, Ashover (20/00446/FL)

Planning Officer - Emily Cartwright Emily.Cartwright@ne-derbyshire.gov.uk

Mr Evans - Outline application with all matters reserved for 1no dwelling at the rear of the property at 216 Sheffield Road, Unstone, Dronfield (20/01036/OL)

Planning Officer - Aspbury Planning office@aspburyplanning.co.uk

Mr Derek Mapp - Application for the redevelopment of large bungalow and outbuildings for five small bungalows and related infrastructure (revised scheme of 19/00440/FL) at Woodside, Hackney Lane, Nesfield, Barlow (19/01082/FL)

Planning Officer - Aspbury Planning office@aspburyplanning.co.uk

Enforcement Appeals Lodged

Mr Alex Merryman - Appeal against enforcement notice served on Café at Border View Farm, Rod Moor Road, Dronfield Woodhouse (21/00132/FL)

Planning Officer - Susan Wraith Susan.Wraith@ne-derbyshire.gov.uk

1.2 Appeals Allowed

The following appeal has been allowed:-

Glen Gent - Change of use of double garage to beauty salon at 11 Wellington Park, Shirland (20/00500/FL)

Means of Determination – Committee

Planning Officer's Recommendation – Conditionally Approved

Planning Officer – Emily Cartwright – Emily.Cartwright@ne-derbyshire.gov.uk

1.3 Appeals Dismissed

Stenfold Resources Ltd – Outline application (all matters reserved) for the erection of one detached dwelling (affecting setting of a listed building) at Land Between Overton Lodge And Brookside Cottage, Fallgate, Milltown, Ashover (20/00166/OL)

Means of Determination – Committee

Planning Officer's Recommendation – Refuse

Planning Officer – Emily Cartwright – Emily.Cartwright@ne-derbyshire.gov.uk

1.4 Appeals Withdrawn

No appeals have been withdrawn.

2 Conclusions and Reasons for Recommendation

2.1 N/a.

3 Consultation and Equality Impact

3.1 N/a.

4 Alternative Options and Reasons for Rejection

4.1 N/a.

5 Implications

5.1 Finance and Risk Implications

N/a.

5.2 Legal Implications including Data Protection

N/a.

5.3 Human Resources Implications

N/a.

6 Recommendations

6.1 N/a.

7 Decision Information

Is the decision a Key Decision? A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds: <i>BDC: Revenue - £75,000</i> <input type="checkbox"/> <i>Capital - £150,000</i> <input type="checkbox"/> <i>NEDDC: Revenue - £100,000</i> <input type="checkbox"/> <i>Capital - £250,000</i> <input type="checkbox"/> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i>	No
Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)	No
District Wards Affected	All
Links to Corporate Plan priorities or Policy Framework	All

8 Document Information

Appendix No	Title
Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)	
Report Author	Contact Number
Katie Spelman	01246 217172